I. Call to Order and Introductions

II. Statement of compliance with Open Meetings Act

III. Review and approve/amend December 4th, 2018 meeting minutes
    Discussion and review with potential Commission action.

IV. Voting on Recommendations
    Discussion and review of final report.
    Commission members will discuss and conduct public vote(s) on possible legislative recommendations.

V. Next Steps
    Discussion of next steps for the Commission and upcoming meetings.

VI. Adjournment
MINUTES OF SPECIAL PUBLIC MEETING

This special meeting of the Occupational Licensing Advisory Commission scheduled to begin at 2:30 pm on the 4th day of December, 2018 was convened in accordance with the Oklahoma Open Meeting Act[25 O.S. § 301 et seq.]. Advance public notice was sent to the Secretary of State’s Office by electronic transmission specifying the time and place of the meeting. Notice was also prominently posted at the Capitol at least 48 hours prior to the meeting.

PUBLIC BODY: Occupational Licensing Advisory Commission

DATE: December 4th, 2018

ADDRESS: Oklahoma State Capitol

2300 N. Lincoln, Room 419 C
Oklahoma City, OK 73105

CONTACT PERSON: Christina Foss TELEPHONE: 405-521-6102

Agenda Item I: Call to order – Introductions of Commission Member

The meeting was called to order at 2:50 pm at the Oklahoma State Capitol by Commissioner and Secretary of Education and Workforce Development, Melissa Houston.

Members present: State Representative Mark McBride, State Representative Mike Osburn, State Senator Kay Floyd, Bo Reese, OMES, Christina Foss, Commission staff, Representative Cyndi Munson, Senator Adam Pugh, Senator Nathan Dahm, Commissioner Melissa Houston

Agenda Item II. Statement of compliance with Open Meetings Act

Commissioner Houston stated Commission is in compliance.

Agenda Item III. Review and approve/amend November 27th, 2018 meeting minutes

Minutes approved by Commission. Motion by Commissioner Houston.

Agenda Item IV Forming Recommendations

Commission members discussed proposed recommendations.

Dealing with military fee exemptions, it was discussed that a fiscal impact was needed. Senator Pugh made the point that military installations do not necessarily have an issue with the fees but rather the testing and requirements. Years of service should be accepted in place. It is decided the Commission will recommend that military members and their spouses should receive license reciprocity and years of service should count toward licensure.

The Commission discussed HB 2168 which mandated boards cannot bar all felony convictions, just those relating to the practice. Representative Munson will file legislation extending that provision to other boards after researching the language with house staff.
Commission members agree with the Accountancy Board recommendation. Members agree with the Alarm and Locksmith Board recommendation after a brief discussion with an attendee on background checks remaining for salespeople. Members agree with the Architect license recommendation and want to add an appreciation for their licensure model in the final report. When discussing the Board of Behavioral Health, members talked about the Attorney General supervision and requested more information about the consolidation of that board with the Board of Licensed Social Workers. The Construction Industries Board recommendations were agreed upon except for the home inspector piece. The final report will include two opinions on that license. Bonding will be changed to just requiring insurance for the registration recommendation. The Oklahoma Motor Vehicle Commission and Used Motor Vehicle and Parts Commission recommendations were discussed simultaneously and agreed upon. The Commission briefly discussed the Cosmetology Board and agree further study should occur on the hierarchy of licenses.

**Agenda Item V Next Steps**

Senate members discussed filing shell bills for different topics. The Commission will meet once more to officially vote on recommendations.

**VI. Adjournment**
**Recommendations**

**Military Recommendations**

**Military Exemptions**

While some of the licenses studied by the Commission granted reciprocity or an abbreviated path for military members, none offered an initial license fee exemption. The Commission recommends all agencies, boards, and commissions exempt military members and their spouses from an initial license fee if they hold a license in the same industry from another state.

**Recognition of Military Training, Education and Experience**

For many veterans who are qualified to perform a job and have done so in the military for years, a civilian career in the same field can be out of reach. This is because licensing regulations have been written to accept only specific types of non-military education and training. The Commission recommends that licensing boards recognize equivalent military training, education and experience toward the requirements for licensure.

Example: Rhode Island requires each member of a licensing board to “accept education, training or service completed by an individual as a member of the Armed Forces or Reserves of the United States [or] the National Guard of any state...toward the qualifications to receive the license or certification (R.I. Gen. Laws §5-87-1).

Ways to implement:

- **Licensure by Endorsement:**
  - If state licensing boards determine that there is full equivalency between military preparation and civilian preparation, veterans can be licensed by endorsement without additional training or exams. This is most appropriate for occupations for which there are recognized national certification exams.
  - **Licensure by Exam.**
    - Boards could waive the requirement for veterans to complete an approved civilian training program as a condition to sit for a state licensure exam and grant permission to sit for the exam based on military training and experience alone. In that case, states can use the exam to demonstrate that the candidate has sufficient knowledge to practice competently.
    - Example: Wisconsin’s Law Enforcement Accelerated Development Program allows veterans who have separated within the past three years and who have at least one year of experience as a military police officer to take a certification exam with no additional civilian training.

**Reciprocity**

The Commission also recommends license reciprocity for military spouses. The lack of license portability is a significant concerns for our military members and their spouses who move an average of once every three years. Some best practices include: license endorsements from previous jurisdiction, providing a temporary or provisional license, and expedited application precedes.

Examples:

- Montana allows boards to approve an application (for an endorsement or temporary license) based on an affidavit stating that the information provided is true and accurate
and that the necessary documentation is forthcoming. Boards review the documentation upon receipt and can take disciplinary action if there are discrepancies.

- Utah HB 384 allows their occupational boards to approve the use of out-of-state licenses for “the spouse of an individual serving in the armed forces of the United States while the individual is stationed within this state, provided:
  (i) the spouse holds a valid license to practice a regulated occupation or profession issued by any other state or jurisdiction recognized by the division; and
  (ii) the license is current and the spouse is in good standing in the state of licensure.”

**Criminal Justice Recommendations**

HB 2168, signed in 2015, mandated that boards cannot bar all felony convictions, just those relating to the practice that pose a reasonable threat.

Definitions used:
"Substantially relates” means the nature of criminal conduct for which the person was convicted has a direct bearing on the fitness or ability to perform one or more of the duties or responsibilities necessarily related to the occupation; and
"Poses a reasonable threat” means the nature of criminal conduct for which the person was convicted involved an act or threat of harm against another and has a bearing on the fitness or ability to serve the public or work with others in the occupation.

This provision only relates to:
- State Architectural and Registered Interior Designers Act
- Oklahoma Cosmetology and Barbering Act
- Engineering and Land Surveying
- Oklahoma Athletic Trainers Act
- Oklahoma Certified Real Estate Appraisers Act
- Physical Therapy Practice Act
- Occupational Therapy Practice Act
- Psychologists Licensing Act
- Oklahoma Pawnshop Act
- Speech Language Pathology and Audiology Licensing Act
- Licensed Professional Counselors Act
- Marital and Family Therapist Licensure Act
- Licensed Behavioral Practitioner Act

The Commission recommends extending this provision to other regulatory boards.

**Consolidation Recommendations**

Oklahoma Motor Vehicle Commission and Used Motor Vehicle and Parts Commission

Both the Oklahoma Motor Vehicle Commission and the Used Motor Vehicle and Parts Commission are in the business of regulating the motor vehicle industry. While the Used Motor Vehicle and Parts Commission has a slightly broader scope regulating manufactured home dealers and installers, the Commission recommends consolidating the two entities.

**Board of Licensed Social Workers**
The Commission will study further the issue of consolidating the Board of Licensed Social Workers with another board of a similar scope. Originally, the Commission discussed consolidating this board with the Board of Behavioral Health, but upon further study determined the Boards’ purview may not be compatible.

License Recommendations Organized by regulatory agency or board.

Accountancy Board – Certified Public Accountant, Public Accountant license
The Commission agrees that there is a fiduciary public concern regarding the Certified Public Accountant (CPA) license and recommends no changes. Taking in to account the decline of Public Accountants (PA) and the lack of applications for that license, the Commission recommends removing the PA license.
The Accountancy Board regulates Certified Public Accountants and Public Accountants. While CPA’s can perform audits, PA’s cannot are typically employed as accountants. Many states do not have a Public Accountant license and the Board has not seen any applicants for the license in several years. Accountants can be employed without a license as well making the license obsolete.

Alarm and Locksmith Board – Manager, Salesperson license
The Commission recommends to keep the technician license and remove the salesperson and manager licenses.
The Alarm, Locksmith, and Fire Sprinkler Board issues licenses for burglar alarm, fire alarm, fire sprinkler, and locksmith managers, technicians, and salespeople. The manager license is for the manager of a company who oversees technicians and salespeople, both of whom are currently licensed. While technicians enter the home, install, and often design security systems, managers run the business and therefore should not need a separate license that includes several years of experience and passing an exam. If a manager is also working in the home, a technician license would remain appropriate.
The salesperson does often sell systems door to door. To protect public safety, salespeople should remain registered and pass a background check, however should not need to pass a test and pay for a license through the state.

Architects, Landscape Architects, and Registered Interior Designers, Board of – Architect license
No recommended changes to Architect license.
The Commission appreciates the model used by the Board of Architects. Architects do not need to be licensed when working under a principle or firm that is licensed. (59 OS §46.9) Therefore, a state mandated license is not necessary for an architect to be employed.

Behavioral Health, Board of - Licensed Professional Counselor license
No recommended changes to the Licensed Professional Counselor license.

Construction Industries Board – Electrician, Home Inspector, HVAC, Plumbing license
The Commission recommends to keep all licenses examined (Electrician, Plumbing, HVAC) but change the Home Inspector license to a registration and require that they have insurance.
Currently, home inspectors are required to have 90 hours of training, pass a national certification exam, and pay $880 over five years. There are 18 states that do not license home inspectors. The national exam for home inspectors is available to take whether in a regulated or unregulated state, so inspectors would have the ability to set themselves apart for consumers. Licensure does not guarantee quality, but a registration program would provide accountability for consumers. Commission members were not in complete agreement on this issue. An argument for keeping the license is that home inspectors should have a minimum set of standards and competency level when providing consumers with an inspection. If not licensed, inspections would be the only part of the home buying process not regulated in some way.

**Cosmetology, Board of – Barber, Cosmetician license**
The Commission analyzed the Cosmetician and Barber license, though other information was presented such as a future shampooing certification. The Board of Cosmetology made positive changes in the 2018 legislative session to remove barriers to becoming a hair braider. Hair braiders now have the option of taking a health and safety test and registering if needed for an employer. The Commission recommends this same process in place of a shampooing certification which would require 140 hours of training.
The Commission recognizes the Board of Cosmetology regulates an industry with public health concerns at the higher level licenses. Therefore, the Commission recommends studying the hierarchy of licenses further and removing barriers to the licenses with less public health concerns.

**Department of Health – Emergency Medical Technician license**
No recommended changes to the Emergency Medical Technician license.

**Medical Licensure and Supervision, Board of – Music Therapist license**
Because of the already high standards Music Therapists must complete, the Commission recommends removing the Music Therapist license or using an alternative form of regulation such as registration or the national certification the license currently requires. Music therapy is the practice of using music interventions to address physical, emotional, cognitive, and social needs of individual, and therapists are typically employed by hospitals. Oklahoma is only one of 9 states that license music therapists. Currently, licensed music therapists must hold a bachelor’s degree in music therapy, complete 1,200 hours of clinical training, and pass an exam earning a national certification. The practice of music therapy has gone on safely for years – this license is a new license established in 2016. The Commission does not see a public health or safety concern and regulating quality should not be in the state’s purview.

**Nursing, Board of**
No recommended changes in this report. Nursing is one of Oklahoma’s critical occupations and is experiencing a significant worker shortage, so the Commission will continue studying the hierarchy of nursing licenses to determine if there are barriers at the bottom that need to be evaluated.

**Oklahoma Motor Vehicle Commission – Salesperson license**
The Commission recommends eliminating the motor vehicle salesperson license. It is also recommended that the Oklahoma Motor Vehicle Commission and the Used Motor Vehicle and Parts Commission be consolidated.

The motor vehicle salesperson license permits the individual to sell new motor vehicles to the public from a licensed dealership. Half of the states in the country do not license motor vehicle salespeople. Salespeople are not required to have a background check or pass a competency test proving there is no public safety concern. The license is simply a $25 fee allowing a person to work. The license does not transfer from dealership to dealership, so an individual must pay for a new license if working at another dealership.

**Professional Engineers – Civil, Environmental, Electrical, Petroleum Engineer licenses**
No recommended changes to Professional Engineer license.

**Social Workers, Board of Licensed**
No recommended changes to the Social Worker licenses.

**Used Motor Vehicle and Parts Commission – Used Motor Vehicle Salesperson, Manufactured Home Salesperson licenses**
The Commission recommends eliminating the used motor vehicle and manufactured home salesperson license. It is also recommended that the Oklahoma Motor Vehicle Commission and the Used Motor Vehicle and Parts Commission be consolidated.

Used motor vehicle and manufactured home salespeople are required to get a background check and pay a $50 license fee. Again, many states do not license vehicle salespeople and the license is not transferable. The Commission endorses that employers be responsible for a salesperson’s accountability and fitness, not the state.

**Veterinary Board – Veterinary Technician license**
No recommended changes to the veterinary technician license.